

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kotin et al.

Group Art Unit: Unassigned

Continuation of
U.S. Application No. 08/344,729

Examiner: Unassigned

Filed: August 3, 2001

For: LIPID VESICLES CONTAINING
ADENO-ASSOCIATED VIRUS REP
PROTEIN FOR TRANSGENE
INTEGRATION AND GENE THERAPY



INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ after (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

or

☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ after the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ after the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☐ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).

- ☐ A copy of the foreign search report is enclosed herewith.

- ☒ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1. 08/344,729	11/23/1994		X	
2.				
3.				

Statement under 37 CFR 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☒ No fee is owed by the applicant(s).
- ☐ The IDS Fee of \$180 under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$ _____
- ☐ Charge Deposit Account No. 12-1216 in the amount of \$ _____ (A duplicate copy of this communication is enclosed for that purpose.)

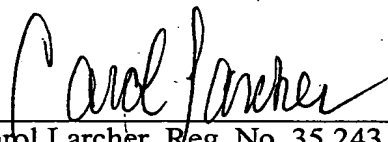
Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Kotin et al.
Continuation of U.S. Application No. 08/344,729

Instructions as to Overpayment

- ☒ Credit Account No. 12-1216.
☐ Refund



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Please type a plus sign (+) inside this box →



Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known		
				Application Number		
				Filing Date		
				First Named Inventor		
				Group Art Unit		
				Examiner Name		
Sheet	1	of	1	Attorney Docket Number		211600

J1050 U.S. PTO
 09/22/2001
 08/03/01

U.S. PATENT DOCUMENTS						
Examiner Initials	Doc. No.	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Filing Date If Appropriate
		Application or Patent Number	Kind Code			
	AA	5,861,314		PHILIP et al.	01/19/1999	
	AB	5,658,785		JOHNSON	08/19/1977	
	AC	5,587,308		CARTER et al.	12/24/1996	
	AD	5,474,935		CHATTERJEE et al.	12/12/1995	
	AE	5,436,146		SHENK et al.	07/25/1995	
	AF	5,354,678		LEBKOWSKI et al.	10/11/1994	
	AG	5,139,941		MUZYCZKA et al.	08/18/1992	

FOREIGN PATENT DOCUMENTS								
Examiner Initials	Doc. No.	Foreign Patent Document			Name of Patentee or Applicant	Date of Publication	Translation	
		Office	Application or Patent Number	Kind Code			Yes	No**
	AH		WO 95/14771		US ARMY	06/01/1995		
	AI		WO 95/13392		OHIO MED COLLEGE et al.	05/18/1995		
	AJ		WO 95/13365		TARGETED GENETICS et al.	05/18/1995		
	AK		WO 95/07995		APPLIED IMMUNESCIENCES	03/23/1995		
	AL		WO 94/28157		GENETIC THERAPY INC et al.	12/08/1994		
	AM		WO 93/24641		US HEALTH	12/09/1993		

OTHER - NON PATENT LITERATURE DOCUMENTS					Translation	
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.			Yes	No**
	AN	CHIORINI et al., <i>J Virol</i> , 68(11): 7448-7457 (November 1994)				
	AO	CHIORINI et al., <i>J Virol</i> , 68(2): 797-804 (February 1994)				
	AP	GHOSH et al., "Targeting of Liposomes to Hepatocytes," <i>Liver Disease</i> , Wu et al. eds, Marcel Dekker, Inc., New York, 97-103 (1991)				
	AQ	HERMONAT et al., <i>Proc Natl Acad Sci</i> , 81:6466-6470 (1984)				
	AR	IM et al., <i>Cell</i> , 61: 447-457 (May 1990)				
	AS	KOTIN et al., <i>EMBOJ</i> , 11(13): 5071-5078 (1992)				
	AT	KOTIN, <i>Hum Gene Ther</i> , 5: 793-801 (1994)				
	AU	MARSHALL, <i>Science</i> , 269: 1050-1055 (1995)				
	AV	McLAUGHLIN et al., <i>J Virology</i> , 62(6): 1963-1973 (1988)				
	AW	NAHREINI et al., <i>Gene</i> , 119:265-272 (1992)				
	AX	PAGE et al., <i>J Cell Biochem</i> , 18A: 228 (1994)				
	AY	PHILIP et al., <i>Mol Cell Biol</i> , 14(4): 2411-2418 (April 1994)				
	AZ	SNYDER et al., <i>J Virol</i> , 67(10): 6096-6014 (October 1993)				
	BA	SRIVASTAVA et al., <i>PNAS</i> , 86: 8078-8082 (1989)				
	BB	WANG et al., <i>J Virology</i> , 68(8): 4847-4856 (1994)				
	BC	WEITZMAN et al., <i>PNAS</i> , 91: 5808-5812 (1994)				
	BD	XIAO et al., <i>Adv Drug Del Reviews</i> , 12:201-215 (1994)				

Examiner Signature	Date Considered
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* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).
 + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).